

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION--DIVISION OF WATER QUALITY
DATE: TO BE DETERMINED**

ITEM 10

SUBJECT

CONSIDERATION OF A RESOLUTION APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE CENTRAL COAST REGION (BASIN PLAN) TO ESTABLISH TOTAL MAXIMUM DAILY LOADS (TMDLs) AND A LAND DISTURBANCE PROHIBITION FOR SEDIMENT IN PAJARO RIVER (INCLUDING LLAGAS CREEK, RIDER CREEK, AND SAN BENITO RIVER)

DISCUSSION

The Pajaro River, Llagas Creek, Rider Creek, and San Benito River were placed on the federal Clean Water Act 303(d) list as impaired by sediment in 2002. On December 2, 2005, the Central Coast Regional Water Quality Control Board (Central Coast Water Board) adopted Resolution No. R3-2005-0132 ([Attachment](#)) amending the Basin Plan to incorporate TMDLs and a land disturbance prohibition for sediment in the Pajaro River. The beneficial uses impaired by current sedimentation levels are cold fresh water habitat (COLD), migration of aquatic organisms (MIGR), and spawning, reproduction, and/or early development of fish (SPWN). Point sources include the Small Municipal Separate Storm Sewer Systems (MS4s) of the Cities of Watsonville, Hollister, Gilroy, and Morgan Hill.

Nonpoint sources include:

- irrigated agriculture activities upon crop, fallow, and orchard lands;
- timber harvesting activities upon forested lands;
- grazing activities upon pasture and range lands;
- urban lands (urban and rural residential development, roads, farm animal and livestock boarding upon urban lands);
- unpaved roads in the San Benito watershed, and paved and unpaved roads in the Corralitos Creek and Rider Creek watersheds upon lands in the roads land use category;
- hydromodification-related activities upon all types of land uses;
- off-road recreational vehicle areas;
- sand and gravel mining; and
- natural erosion and landslides.

The TMDLs establish numeric targets for suspended sediment concentrations and streambed sediment characteristics that are known to be supportive of the impaired beneficial uses (see Attachment-Page 6, [Tables 1 and 2](#)). The numeric targets interpret narrative water quality objectives for sediment in the Basin Plan.

The suspended sediment numeric targets are based on concentration and duration, which provides an exposure-based approach. These TMDLs use multiple numeric targets within two categories: suspended sediment concentration and streambed characteristics. Numeric targets for suspended sediment concentration and duration are derived from the Newcombe and Jensen "Severity of Ill Effects" model. Numeric targets for streambed characteristics are also

proposed and include residual pool volume targets, as well as size and composition of sediment within spawning gravels. TMDLs and load allocations are assigned to source categories for seven watersheds (see attachment-page 8, [Table 3](#)). These allocations are modeled load values.

The land disturbance prohibition, established by this amendment, will prohibit the controllable discharge of soil, silt, or earthen material from any activity into waters of the State within the Pajaro River watershed unless otherwise regulated by another regulatory mechanism.

This amendment underwent scientific peer review. The peer reviewer asserted that the amendment's targets, load allocations, and implementation plan were based upon sound scientific knowledge, methods, and practices. There were a number of areas where the reviewer suggested clarifications; Central Coast Water Board staff, in most cases, added language to clarify the concerns or changed the language based on the peer reviewer's suggestions.

The implementation measures are divided into actions by source categories. Landowners and operators of crop, fallow, and orchard lands, where irrigated agricultural activities are conducted, will implement agricultural management measures and perform monitoring and reporting pursuant to the Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands and the Monitoring and Reporting Program, Order No. R3-2004-0117. This is an existing, on-going activity. Landowners and operators of forest lands, where timber harvest activities are conducted, will implement timber harvest management measures and perform monitoring and reporting pursuant to the General Conditional Waiver of Waste Discharge Requirements for Timber Harvest Activities and the Monitoring and Reporting Program, Order No. R3-2005-0066. This is an existing, on-going activity. The Cities of Watsonville, Hollister, Gilroy, and Morgan Hill must obtain an MS4 permit. Their Storm Water Management Programs must include specific actions to reduce sediment discharges. Currently, Hollister and Morgan Hill have an approved permit while the permits for the Cities of Watsonville and Gilroy are still pending. Central Coast Water Board staff will review the existing Waste Discharge Requirements for sand and gravel mining operations and revise and require activities to: 1) assess cumulative impacts including fluvial geomorphic impacts upon the beneficial uses of the San Benito River; 2) mitigate the impacts identified; and 3) monitor the effectiveness of mitigation activities.

Owners and operators of pasture and range lands, where grazing activities occur, must comply with the land disturbance prohibition. Owners and operators of rural properties and roads must comply with the land disturbance prohibition. Owners and operators of unpaved roads within the San Benito River watershed and paved and unpaved roads within the Corralitos Creek and Rider Creek watersheds must comply with the land disturbance prohibition.

Owners and operators of properties where hydromodification activities occur must comply with the land disturbance prohibition. This land disturbance prohibition takes effect three years following approval of the TMDLs by the U.S. Environmental Protection Agency (USEPA).

The Central Coast Water Board staff will develop a monitoring program to measure in-stream numeric targets within five years following approval of the TMDLs by the Office of Administrative Law (OAL). Central Coast Water Board staff will review data and reports based on triennial reporting of implementation activities and monitoring, beginning three years after the Basin Plan amendment is approved by OAL. Central Coast Water Board staff will utilize required reports, as well as other available information, to review implementation efforts of responsible parties and progress being made towards achieving the allocations. The Central Coast Water Board

has committed to continuing triennial reviews until the TMDLs are achieved. The target date to achieve the TMDLs is 45 years after implementation commences.

The Central Coast Water Board adopted an updated Basin Plan on February 11, 1994 under Resolution No. 94-44. The adopted Basin Plan was approved by the State Water Resources Control Board (State Water Board) on May 18, 1994 and by OAL on September 7, 1994. The Basin Plan sets standards to protect all waters in the Central Coast Region and prescribes programs to implement these standards. The standards consist of the designated beneficial uses of the waters, narrative and numeric objectives to protect these uses, and the State's Antidegradation Policy.

POLICY ISSUE

Should the State Water Board approve the amendment to the Basin Plan to incorporate TMDLs and a land disturbance prohibition for sediment in the Pajaro River as adopted under Central Coast Water Board Resolution No. R3-2005-0132?

FISCAL IMPACT

Central Coast Water Board and State Water Board staff work associated with or resulting from this action will be addressed with existing and future budgeted resources.

REGIONAL WATER BOARD IMPACT

Yes, adoption of this Resolution will amend the Central Coast Water Board's Basin Plan.

STAFF RECOMMENDATION

That the State Water Board:

1. Approves the amendment to the Basin Plan adopted under Central Coast Water Board Resolution No. R3-2005-0132.
2. Authorizes the Executive Director or designee to submit the amendment adopted pursuant to Central Coast Water Board Resolution No. R3-2005-0132, as approved, and the administrative record for this action to OAL and the TMDLs to USEPA for approval.

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2006-

APPROVING AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN
FOR THE CENTRAL COAST REGION (BASIN PLAN) TO ESTABLISH
TOTAL MAXIMUM DAILY LOADS (TMDLs)
AND A LAND DISTURBANCE PROHIBITION FOR SEDIMENT IN PAJARO RIVER
(INCLUDING LLAGAS CREEK, RIDER CREEK, AND SAN BENITO RIVER)

WHEREAS:

1. The Central Coast Regional Water Quality Control Board (Central Coast Water Board) adopted a revised Basin Plan on February 11, 1994, which was approved by the State Water Resources Control Board (State Water Board) on May 18, 1994 and by the Office of Administrative Law (OAL) on September 7, 1994.
2. On December 2, 2005, the Central Coast Water Board adopted Resolution No. R3-2005-0132 ([Attachment](#)) amending the Basin Plan to establish TMDLs and a land disturbance prohibition for sediment in the Pajaro River.
3. Central Coast Water Board staff prepared documents and followed procedures satisfying environmental documentation requirements of the California Environmental Quality Act.
4. Central Coast Water Board staff found that the adoption of this amendment would result in no adverse effect on wildlife, and the amendment would be consistent with the State Antidegradation Policy (State Water Board Resolution No. 68-16) and federal antidegradation requirements.
5. The State Water Board finds that the Basin Plan amendment is in conformance with Water Code section 13240, which specifies that Regional Water Quality Control Boards may revise Basin Plans, and section 13242, which requires a program of implementation of water quality objectives. The State Water Board also finds that the TMDLs and land disturbance prohibition as reflected in the Basin Plan amendment are consistent with the requirements of federal Clean Water Act section 303(d).
6. A Basin Plan amendment does not become effective until approved by the State Water Board and until the regulatory provisions are approved by OAL. The TMDLs must also be approved by the U.S. Environmental Protection Agency (USEPA).

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Approves the amendment to the Basin Plan adopted under Central Coast Water Board Resolution No. R3-2005-0132.

2. Authorizes the Executive Director or designee to submit the amendment adopted pursuant to Central Coast Water Board Resolution No. R3-2005-0132, as approved, and the administrative record for this action to OAL and the TMDLs to USEPA for approval.

CERTIFICATION

The undersigned, Clerk to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on September 21, 2006.

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Clerk to the Board